



Dec. 21, 2015

David S. Hobbie, Chief, Regulatory Division  
Department of the Army  
Alaska District,  
U.S. Army Corps of Engineers  
P.O. Box 6898  
JBER, AK 99506-0898

**RE: Chuitna Coal Project  
Request for Extension of Comment Period of PDSEIS  
and Request to Review DSEIS Prior to Public Comment Period**

Dear Mr. Hobbie:

As you know, the Native Village of Tyonek (NVT) is deeply concerned about the potential impact of the proposed Chuitna Coal Project. NVT takes its role as a Cooperating Agency very seriously. The impact of this project, if permitted, would adversely affect our ways of life and possibly the very survival of the Native Village of Tyonek, whose people have depended upon the Chuitna River Watershed for thousands of years.

The Preliminary Draft Supplemental Environmental Impact Statement (PDSEIS) for the Chuitna Coal Project was posted to the Sharepoint website, and became available for Cooperating Agency review, on Nov. 10, 2015. That started the 60-calendar-day comment period, which ends Jan. 9, 2016.

At this time, the NVT formally requests a 21-day extension of the Cooperating Agency comment period of the PDSEIS for the following reasons:

- The NVT did not receive the PDSEIS until November 19. Hard copies of the PDSEIS were requested on November 10, but we did not receive them until nine (9) days later. Our Internet speed (when operational) is insufficient to effectively download documents from the Sharepoint site. Additionally, the electricity in Tyonek was completely out for the entire week of November 10.
- The NVT still has not received the groundwater model files that are described on Page 14 in the 2013 Arcadis report. The program Groundwater Vistas version 6.20

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(Environmental Simulations, 2011) which were used as the pre and post processor to construct the model, generate input files, run MODFLOW-SURFACT and analyze model results. The above request was submitted on November 13.

- The NVT subsistence moose hunt began on November 20<sup>th</sup> which requires that the majority of our tribal members are fully occupied for a few weeks in order to feed our families.
- The NVT is fully immersed in the celebration of the Christmas holidays and our spiritual and religious practices prohibit us from working on certain days.

These factors necessitate a 21- day extension of the Cooperating Agency comment period of the PDSEIS.

On a separate but related matter, the PDSEIS released on November 10 does not include the Human Health, Environmental Justice, and Cultural Resources sections. The NVT believes that it is critical for such information to be included in the PDSEIS in order to fully assess potential direct and indirect impacts of the project, as all three directly relate to other important sections throughout the draft document. Our counsel has informed us that this omission is likely illegal and will serve as a basis to challenge any decision that may be made in favor of a permit without first granting the Co-Operating Agencies an opportunity to review *all* materials before the release of the PDEIS to the public for notice and comment.

The lack of "opportunity to review all materials", moreover, is contrary to the terms of MOU that was signed between the C.O.E. and the Cooperating Agencies. We have included the relevant MOU sections below, as Post Data for your reference.

As a Cooperating Agency, NVT is formally seeking the opportunity to review and comment on the entire PDSEIS before the Public Comment Period, to allow for our complete analysis and input. Because of the size, scope, complexity and potential significance of the proposed project, we believe it is essential that Cooperating Agencies are fully engaged, to ensure that the PDSEIS is complete and accurate.

Thank you very much for considering the two above requests. If we can be of further assistance to you or provide additional information, please don't hesitate to contact Heather Kendall-Miller at Kendall@narf.org.

Sincerely,



Arthur Standifer, Acting President, Native Village of Tyonek

Cc: Sheila Newman / Deputy, Regulatory Division, Jason Berkner / Regulatory Division, Jamey Stoddard / EPA

**Post Data from MOU:**

1. The Corps shall fully engage the Cooperating Agencies and the Applicant (if appropriate) whenever a decision is to be made regarding substantive work or material to be included in the preparation of the SEIS. In all instances involving questions as to the content or relevance of any material (including all data, analyses and conclusions) prepared by the Contractor, the Corps will make the final determination on the inclusion or deletion of any such material in documents produced for the SEIS. If the Corps does not intend to incorporate comments or other information provided by the Cooperating Agencies or the Applicant, the Corps shall discuss the issue with the parties involved to attempt to resolve the matter.
2. The Corps and the Cooperating Agencies (as approved by the Corps) shall have access to and the opportunity to review all materials, procedures, and underlying data used by the Contractor in developing any and all reports, including, but not limited to field reports, subcontractor reports, and interviews with concerned private and public parties, whether or not such information may be reflected in the draft or final report submitted to the Corps or the Cooperating Agencies.